

Appl. No. 09/755,939
Amdt. Dated January 28, 2004
Reply to Office action of October 28, 2003
Attorney Docket No. P12659/27943-00400USPT
EUS/J/P/04-6016

REMARKS/ARGUMENTS

1.) Amendments

The Applicants have amended Claims 11 and 22; Claims 18 and 27 have been cancelled. Accordingly, Claims 1-14, 16-17, 19-26 and 28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 1-10, 17-19, 21, and 26-27 under 35 U.S.C § 103(a) as being unpatentable over Mills (U.S. Pat. No. 5,915,225) in view of Rouhollahzadeh (U.S. Pat. No. 6,208,866). Applicants respectfully submit that Rouhollahzadeh is disqualified as 103/102(e) reference. Pursuant to 35 U.S.C. 103(c), Applicants submit that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicants therefore respectfully submit that Rouhollahzadeh reference is disqualified as prior art against the claimed invention since the subject matter and the claimed invention were, at the time the invention was made, owned by the same entity – Ericsson Inc. As a result, independent Claim 1 and its dependent claims (claims 9-10) are allowable over the cited references and a Notice of Allowance is respectfully requested.

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The Examiner has also rejected Claims 17-19 and 21 under the same 103/102(e) rejection. Rejected Claims 17-19 and 21 are dependent on independent Claim 11. Accordingly, Applicants have amended independent Claim 11 to recite the limitations of Claim 18. For at least the same reasons as above, Applicants respectfully submit that the Rouhollahzadeh reference cannot be used to reject Claim 18 and with the incorporation of the limitations of Claim 18 into now amended Claim 11, independent Claim 11 is now allowable as well. Remaining Claims 12-14, 16-17, and 19-21 depend on now allowable independent Claim 11 and are further in condition for allowance.

Lastly, the Examiner has rejected Claims 26-27 under the same 103/102(e) rejection. Likewise, Applicants have amended independent Claim 22 to incorporate the limitations recited in Claim 27. Since the Rouhollahzadeh reference is disqualified as a reference in rejecting Claim 27, now amended independent Claim 22 incorporating the limitations of Claim 27 is also in condition for allowance. Claims 23-26 and 28 are dependent on now allowable independent Claim 22 and are further in condition for allowance.

3.) Claim Rejections – 35 U.S.C. § 102 (e)

The Examiner rejected Claims 11-14, 16, 20, 22-25 and 28 under 35 U.S.C. 102(e) as being anticipated by Rouhollahzadeh. As stated above, Applicants have amended independent Claims 11 and 22 to incorporate the allowable subject matter as recited by dependent Claims 18 and 27, respectively. Accordingly, withdrawal of the Examiner's 102(e) rejection is respectfully requested.

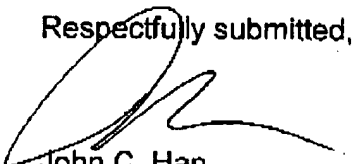
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1-14, 16-17, 19-26 and 28.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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